IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.12.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE S. TAMILVANAN

WRIT PETITION No.47542 of 2006
and connected miscellaneous petition.

M. Srinivasan .. Petitioner

vs.

1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 3.

2.The Assistant Commissioner/
Zone VI
Corporation of Chennai
No.2 Dr. Beasant Road
Ice House, Chennai 600 005.

3.The Member Secretary
CMDA, Thalamuthu Natarajan Buildings
Gandhi Irwin Road, Egmore,
Chennai 600 008. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying of issuance of Writ of Certiorarified mandamus to call for the records pertaining to the impugned notice vide. Z.O.IV-C.No.A8/1404/2006 dated 1.12.2006 issued by the II Respondent and quash the same as the same is improper and invalid and direct the respondent to stop forth the action till the final decision in this regard by the CMDA.

WEB COPY

For petitioner :Mr.V. Manohar

For respondents:Mr. A. Mohamed Ghouse for R.1&2

Mr. J. Ravindran for R.3

..

https://hcservices.ecourts.gov.in/hcservices/

ORDER

(Order of the Court was delivered by P. SATHASIVAM,J.)

Aggrieved by the notice of the second respondent dated 01.12.2006, for demolition of illegal and unauthorised construction put up at Old Door No.46, New No.101, V.M. Street, Royapettah, Chennai-14, the petitioner has filed the above writ petition to quash the same and issue direction to the respondents to stop-forth the action till the final decision in this regard by the Chennai Metropolitan Development Authority (in short, 'CMDA').

2. Heard the learned counsel for the petitioner as well as the respondents.

3. The only objection put forward before this Court is that, till this date the planning permission applied before CMDA, Chennai 8, is pending with them and no order has been passed. In such circumstances, according to the petitioner, there cannot be any demolition of the building in question. Pursuant to the direction of this Court, learned counsel appearing for the CMDA has brought to our notice that as early as on 27.04.2004, the Member Secretary, CMDA in proceedings No.BC1.6968/2004, rejected the planning permission of the petitioner and the same was communicated to the petitioner on the same day. He also produced the original file relating to the same. On going through the same, we are of the view that the only objection raised by the learned counsel for the petitioner is liable to be rejected. Though the learned counsel for the petitioner submitted that the said order was not communicated to the petitioner, the original file produced by the learned counsel for the CMDA shows that the said communication had been sent to the addressee, viz., the petitioner herein, on 27.04.2004, itself. In spite of the same, if the petitioner feels that he has not received copy of the same, he is free to approach the CMDA for furnishing another copy.

In the light of the above discussion and of the fact that the action was taken for demolition pursuant to the earlier order of this Court, we are satisfied that no valid ground to interfere with the impugned notice dated 01.12.2006. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

1.The Commissioner
  Corporation of Chennai
  Rippon Buildings
  Chennai 3.

2.The Assistant Commissioner/
  Zone VI
  Corporation of Chennai
  No.2 Dr. Beasant Road
  Ice House, Chennai 600 005.

3.The Member Secretary
  CMDA, Thalamuthu Natarajan Buildings
  Gandhi Irwin Road, Egmore,
  Chennai 600 008.

1 cc to Mr.V.Manohar, Advocate, SR.61976
1 cc to Mr.A.Mohamed Gouse, Advocate, SR.62031

rs (co)

dv/20.12.06

Order in
WP No.47542 of 2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/